

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JANIS DUNNIN
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R&L CARRIERS, INC.
600 GILLAM ROAD
WILMINGTON, OHIO 45177,

CASE NO. 1:08CV805
[JUDGE RECKWITH]

PLAINTIFF,

V.

**INTERSTATE DISTRIBUTOR
COMPANY,**
ATTN: GEORGE N. PAYNE
11707 21ST AVENUE SOUTH
TACOMA, WA 98445-0999,

DEFENDANT.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, R&L Carriers, Inc. ("R&L"), states the following for its complaint against Defendant, Interstate Distributor Company ("Interstate").

Jurisdiction and Venue

1. This is an action for patent infringement in violation of 35 U.S.C. § 271(a).
2. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
3. On information and belief, Interstate has used certain infringing shipping document transmission and processing systems from a motor vehicle both within and outside of Ohio and has caused R&L harm and tortious injury in this judicial district.
4. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

The Parties

5. Plaintiff R&L is a corporation organized and existing under the laws of the State of Ohio, and has its principal place of business at 600 Gillam Road, Wilmington, Ohio 45177.

6. On information and belief, Defendant Interstate is a corporation organized and existing under the laws of the State of Washington, with its principal place of business at 11707 21st Ave. South, Tacoma, Washington 98444.

The Asserted Patent

7. United States Patent No. 6,401,078 B1 ("the '078 Patent") entitled "Bill of Lading Transmission and Processing System for Less Than a Load Carriers" was duly and legally issued by the United States Patent and Trademark Office on June 4, 2002. A copy of the '078 Patent is attached as Exhibit A.

8. R&L owns all right, title and interest in the '078 Patent.

Infringement

9. On information and belief, Defendant Interstate has infringed and continues to infringe the '078 Patent directly, contributorily, and/or by inducement by using an onboard truck computer to remotely transmit shipping documents from a motor vehicle to a remote processing facility where loading documents are prepared for further transport on another vehicle, without leave or license of R&L in violation of R&L's rights, and Defendant Interstate will continue to do so unless enjoined by this Court.

10. Upon information and belief, Defendant Interstate's infringement of the '078 Patent has been and continues to be committed in a willful manner, and in deliberate and intentional disregard of R&L's rights.

11. On or about September 24, 2008, R&L contacted Defendant Interstate advising it to cease and desist any use of bill of lading transmission methods, systems, or related devices within the scope of the '078 Patent, and requesting it to advise R&L as to the extent of use of such methods, systems, or devices falling within the scope of the '078 Patent and when such use ceased. R&L further requested that if Defendant Interstate did not believe it had infringed the '078 Patent, that it should provide information in sufficient detail to permit R&L to independently ascertain whether Defendant Interstate's use of bill of lading transmission methods, systems, or related devices fall within the scope of the '078 Patent. Defendant Interstate did not respond.

12. Upon information and belief, Interstate has profited and will continue to profit by its infringing activities.

13. Defendant Interstate's infringement of the '078 Patent has caused and will continue to cause R&L substantial and irreparable injury, for which R&L is entitled to receive injunctive relief and damages adequate to compensate it for infringement.

Demand for Relief

WHEREFORE, Plaintiff R&L respectfully requests that this Court enter judgment as follows:

- A. Declare that R&L is the owner of the '078 Patent and that the '078 Patent is valid and enforceable;
- B. Permanently enjoin Defendant Interstate, its employees and agents, and any others acting in concert with Interstate, from infringing the '078 Patent;
- C. Award R&L its damages resulting from Interstate's infringement of the '078 Patent;

- D. Award R&L treble damages pursuant to 35 U.S.C. § 284 as a result of Interstate's willful infringement of the '078 Patent;
- E. Declare that Interstate's infringement is "exceptional" pursuant to 35 U.S.C. § 285 and award R&L its costs and attorney fees; and
- F. Grant R&L such other relief as is just and proper.

Jury Demand

R&L demands a trial by jury to the extent permitted by applicable law.

Respectfully submitted,

/s/ Charles H. Brown, III
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